

1 LEON GREENBERG  
2 Nevada Bar No.: 8094  
3 DANA SNIEGOCKI  
4 Nevada Bar No.: 11715  
5 Leon Greenberg Professional Corporation  
6 2965 South Jones Boulevard - Suite E3  
7 Las Vegas, Nevada 89146  
8 (702) 383-6085  
9 (702) 385-1827(fax)  
10 leongreenberg@overtimelaw.com  
11 dana@overtimelaw.com

12 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

WILLIAM SLACK, HARRY  
STROCK, and EDWARD  
CHAMPA Individually and on  
behalf of others similarly situated,

Plaintiffs,

vs.

PARBALL NEWCO LLC dba  
BALLY'S, PARBALL CORP.,  
PARBALL LLC, PHWLV, LLC dba  
PLANET HOLLYWOOD LAS  
VEGAS RESORT AND CASINO,  
and "JOHN DOE  
CORPORATIONS" 1 to 50, name  
fictitious, actual name and number  
unknown,

Defendants.

Case No. 2:16-cv-02324-KJD-CWH

STIPULATION AND ORDER TO  
MODIFY AND EXTEND DEADLINES IN  
DISCOVERY PLAN AND SCHEDULING  
ORDER  
(FIRST REQUEST)

The parties, by and through their counsel of record, hereby stipulate and agree to the following:

1. The parties' Joint Discovery Plan and Scheduling Order was entered by the Court on April 7, 2017. ECF No. 51.

2. The parties request that the Court enter an order extending the remaining deadlines by 30 days, including the deadlines for expert disclosures,

1 rebuttal expert disclosures, dispositive motions, class certification and  
2 decertification motions, and discovery.

3 **DISCOVERY COMPLETED**

4 3. Since the discovery period opened, the parties have exchanged written  
5 discovery requests and responses. The plaintiffs have served four sets of requests  
6 for the production of documents and five sets of interrogatories. Defendants have d  
7 responded to all written discovery, except plaintiffs' Fifth Set of Interrogatories for  
8 which the deadline to respond is December 29, 2017.

9 Defendants have served one set of requests for the production of documents  
10 and one set of interrogatories on each of the 83 plaintiffs who have submitted a  
11 consent to join this lawsuit. The named plaintiffs have responded to defendants'  
12 discovery requests; however, none of the opt-in plaintiffs have served responses.  
13 Defendants have also noticed the depositions of three opt-in plaintiffs. The opt-in  
14 plaintiffs refused to appear for deposition. In July and September 2017, defendants  
15 filed motions to compel written discovery responses and depositions. The motions  
16 are fully briefed and pending before the Court. *See* ECF Nos. 53, 62.

17 **DISCOVERY THAT REMAINS TO BE COMPLETED**

18 4. The deadline for defendants to respond to plaintiffs' Fifth Set of  
19 Interrogatories is December 29, 2017. Plaintiffs' counsel has been conferring in  
20 writing and via phone with defendants' counsel over the last two months regarding  
21 defendants' responses to certain of plaintiffs' prior discovery requests. Plaintiffs  
22 anticipate having to file a motion to compel proper discovery responses in the near  
23 future if the parties are unable to resolve their ongoing discovery dispute. Plaintiffs  
24 also anticipate that additional written discovery requests may be required once the  
25 parties or the Court resolves the ongoing discovery disputes. Finally, plaintiffs  
26 anticipate noticing depositions of defendants, including a Fed. R. Civ. P. 30(b)(6)  
27 deposition.

1       5. Defendants intend to take the three opt-in plaintiff depositions they  
2 have already noticed, subject to the ruling of the Court on their motion to compel  
3 these depositions. Defendants reserve the right to take up to an additional seven  
4 opt-in plaintiff depositions. And defendants have previously reserved the right to  
5 take the depositions of all trial witnesses whose deposition has not previously been  
6 taken in the litigation.

7 **WHY THE DEADLINES SHOULD BE EXTENDED**

8       6. Because of plaintiffs' perceived deficiencies in defendants' responses  
9 to their written discovery requests, plaintiffs believe they do not have the materials  
10 necessary for an expert to conduct a proper analysis in this matter. Plaintiffs have  
11 also been denied discovery pertaining to the absent members of the Rule 23 class,  
12 and defendants have only provided discovery pertaining to the 83 persons who have  
13 submitted consents to join the FLSA action. Accordingly, plaintiffs believe that no  
14 expert report can be furnished as to the damages for the entire Rule 23 class without  
15 defendants producing materials for all Rule 23 class members.

16       7. Decisions on defendants' motions to compel discovery will affect the  
17 timing of further discovery. Defendants do not oppose plaintiffs' request to extend  
18 the deadlines in this action.

19 **PROPOSED SCHEDULE**

20       8. The parties propose the following extended schedule:

22 <b>EVENT</b>	23 <b>CURRENT DEADLINE</b>	24 <b>NEW DEADLINE</b>
23       Discovery Cut-Off Date	24       February 28, 2018	25       March 30, 2018
24       Expert Disclosures	25       December 22, 2017	26       January 22, 2018
25       Rebuttal Expert 26       Disclosures	26       January 19, 2018	27       February 19, 2018

1 Dispositive Motions	2 March 30, 2018	3 April 30, 2018 <sup>1</sup>
4 Motions for Class 5 Certification	6 April 19, 2018	7 May 21, 2018

9. This is the parties' first request to extend the foregoing deadlines. The  
10 parties believe such extensions are necessary to allow the parties to properly  
11 complete discovery, including depositions and expert disclosures. Accordingly,  
12 such request to extend the deadlines is made in good faith and not for the purpose  
13 of delay.

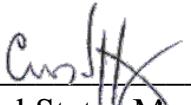
14 Date: December 1, 2017

15 Leon Greenberg Prof. Corp.  
16 By: /s/ Leon Greenberg  
17 Leon Greenberg  
18 Dana Sniegocki  
19 Attorneys for plaintiffs

20 Date: December 1, 2017

21 AKIN GUMP STRAUSS HAUER  
22 & FELD, LLP  
23 /s/ Joel M. Cohn  
24 Joel M. Cohn  
25 Allison S. Papadopoulos  
26 Attorneys for defendants

27 IT IS SO ORDERED.

28   
United States Magistrate Judge

29 December 4, 2017

30 Date

31 <sup>1</sup> The parties agree that if a motion for class certification has been filed but not yet  
32 decided, the deadline for filing dispositive motions will be 45 days after the Rule 23  
33 motion is decided.